



## Landmarks & Urban Conservation Commission



**Agenda Number: 5**  
**Case No.: 09LUCC-50039**  
**Project # 1007987**  
**November 18, 2009**

### **Staff Report**

<b>Agent</b>	Flor Castro	<b>Staff Recommendation</b> <b>DEFERRAL of Case # 09LUCC-50039, Project #1007987, a request for a Certificate of Appropriateness for alteration, based on the Findings 1-5 on page 6.</b>  <b>Maryellen Hennessy</b> <b>Staff Planner</b>
<b>Applicant</b>	Theodore Garcia	
<b>Request</b>	Certificate of Appropriateness	
<b>Legal Description</b>	Tract 174B MRGCD Map 38	
<b>Address/Location</b>	2004 South Plaza	
<b>Size</b>		
<b>Zoning</b>	H-1	
<b>Historic Location</b>	Old Town Historic Overlay Zone	

### **Summary of Analysis**

*The application is for a Certificate of Appropriateness for alteration at 2004 South Plaza in the Old Town Historic Overlay Zone.*

*The applicant proposes to construct a railing under the portal to accommodate outdoor seating for the restaurant. Discussions with the applicant and City Zoning about the various approvals required to accommodate such seating resulted in a recommendation to the applicant to seek other required approvals prior to LUCC consideration.*

#### **PRIMARY REFERENCES:**

*Landmarks and Urban Conservation Ordinance; Development Guidelines for the Old Town Historic Overlay Zone.*

*City Departments and other interested agencies were given the opportunity to review this application from 9/17/09 to 9/28/09. Agency comments that were received were used in the preparation of this report, and begin on page XXXX.*

## Development Review Division Report:

### SUMMARY OF REQUEST

<b>Requests</b>	Certificate of Appropriateness for alteration
<b>Historic Location</b>	Old Town Historic Overlay Zone

### AREA HISTORY AND CHARACTER

#### Surrounding architectural styles, historic character and recent (re)development

	<b># of Stories</b>	<b>Roof Configuration, Architectural Style and Approximate Age of Construction</b>	<b>Historic Classification &amp; Land Use</b>
<b>General Area</b>	1-2	Flat; gabled and hipped pitch; Spanish-Pueblo Revival, New Mexico Vernacular, Queen Anne, Territorial Revival, Contemporary; 1840's to present	Residential, Commercial, Institutional
<b>Site to the North</b>		Old Town Plaza	
<b>Sites to the South</b>			
<b>Sites to the East</b>	2	Remodeled to Pueblo Revival	Non-contributing; commercial
<b>Site to the West</b>	1	Flat roofed Pueblo Revival	Non-contributing; commercial

### Background

The proposal is to construct a three-foot tall an iron railing on the sidewalk under the portal outside of the restaurant to accommodate outdoor seating.

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**APPLICABLE PLANS, ORDINANCES, DESIGN GUIDELINES & POLICIES**

***Albuquerque-Bernalillo County Comprehensive Plan of 1988, amended 2003***

This site is a Historic Resource in terms used in the *Comprehensive Plan*. The plan sets out goals and policies concerning land use, environmental protection and heritage conservation. Chapter II, Section 5, Historic Resources Goals and Policies (pp. II-61-II-62) states:

“The Goal for Historic Resources is to protect, reuse or enhance significant historic buildings and districts.”

Applicable Historic Resources policies include:

Policy a: Efforts to provide incentives for the protection of significant buildings and districts shall be continued and expanded.

Policy b: Research, evaluation, and protection of historical and cultural properties in the City and County shall be continued where appropriate.

Policy c: Increase public and inter-agency awareness of historic resources and preservation

This site is contained in the Central Urban Development Area, a portion of the Established Urban Development Area as defined in the *Comprehensive Plan*, and is subject to the policies of Section II.B.5 (Established Urban Area) as well as the Central Urban Area policies. The Goal of the Central Urban Area is to “promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the City.”

The Goal of the Established Urban Area is to “create a quality urban environment which perpetuates the tradition of identifiable, individual, but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.”

Applicable Established Urban Area policies include:

Policy d: “The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, and recreational concern.”

Policy o: “Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.”

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### ***H-1 Zone***

The Old Town Historic Zone was developed in 1957 with the adoption of the first Zoning Code for the City of Albuquerque. Old Town was recognized even then as a very special location within Albuquerque, and the H-1 Zone was designated specifically to address the development within Old Town. The H-1 Zone was later amended to include a 300 foot "buffer" zone surrounding Old Town to ensure a coherent visual character for the district. Signage, architectural style, and permissive uses are controlled through the H-1 Zone. The code provides for Certificates of Appropriateness for development with the H-1 and the Buffer zones. Relevant sections of the H-1 Zone (§14-16-2-25, R.O.A., 1994) are attached.

### ***Old Town Historic Zone Design Guidelines***

Design Guidelines (as amended through April 9, 1998) have been adopted by the Landmarks and Urban Conservation Commission for building projects in the H-1 Historic Old Town Zone. The Specific Design Guidelines for the Old Town Historic District also apply to the buffer zone within 300 feet of the historic district. The Guidelines are general, and along with standards applicable to the rehabilitation of historic properties, they address contemporary new buildings and pedestrian safety.

### ***Landmarks and Urban Conservation Ordinance***

This site consists of a contributing property in the Old Town Historic Overlay Zone and the project is subject to certain provisions of the Landmarks and Urban Conservation Ordinance (Article 12, R.O.A., 1994). The purpose of this ordinance is to:

"Preserve, protect, enhance, perpetuate and promote the use of structures and areas of historical, cultural, architectural, engineering, archeological or geographic significance located in the city; to strengthen the city's economic base by stimulating the tourist industry; to enhance the identity of the city by protecting the city's heritage and prohibiting the unnecessary destruction or defacement of its cultural assets; and to conserve existing urban developments as viable economic and social entities."

Section 14-12-8 (A) of the LUC ordinance provides that:

"Within the boundaries of a historic zone, urban conservation overlay zone, or landmark site, the exterior appearance of any structure shall not be altered, new structures shall not be constructed, and existing structures shall not be demolished until a Certificate of Appropriateness has been duly approved."

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## **ANALYSIS**

It was determined by City Zoning that the applicant would need to apply for and receive approval for an expansion of their alcohol license to serve outside of the building. The applicant was advised to secure that approval.

An outdoor seating permit from City Zoning is also required. A field inspection by City Zoning indicated that the measurements on the submittal were inaccurate, and would not meet the requirements for an outdoor seating permit. The applicant revised the proposal to meet the requirements, but staff has received no report on follow up field inspection.

The applicant was advised by City staff to secure the required approvals prior to consideration by the Landmarks and Urban Conservation Commission.

## **ADDITIONAL CONSIDERATIONS**

There are no recognized neighborhood associations in this area. The property was posted with a sign notifying the public of the application.

## **CONCLUSIONS**

Various approvals from other agencies are associated with this request. Clarification of issues associated with other approvals will facilitate LUCC consideration.

***FINDINGS for a request for a Certificate of Appropriateness for alteration - Case # 09LUCC-50039 / Project # 1007987 (November 18, 2009)***

1. This application is a request for a Certificate of Appropriateness for alteration at 2004 So. Plaza, described as Tract 174B MRGCD Map 38.
2. Section 14-16-2-25(D)(1) of the Comprehensive Zoning Code states “Any construction, modification, addition, alteration, moving or destruction which would affect the exterior appearance of any structure or place in the H-1 zone requires a Certificate of Appropriateness which must be approved by the Landmarks and Urban Conservation Commission.”
3. The proposal is to construct a three-foot tall iron railing under the portal to accommodate outdoor seating for the restaurant.
4. Permits and approvals from other agencies are required for implementation of the proposal.
5. Conformance with other legal requirements will be clarified if permits and approvals from other agencies are acquired prior to LUCC review.

***RECOMMENDATION - Case No. 09LUCC-50039/ Project # 1007987 – (November 18, 2009)***

**DEFERRAL of 09LUCC-50039/ Project # 1007987**, an application for a Certificate of Appropriateness for alteration, located at 2004 South Plaza NW. This property is more specifically described as Tract 174B, MRGCD Map 38, a property in the Old Town Historic Overlay Zone, zoned H-1, based on the above 5 Findings.

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**Maryellen Hennessy, Senior Planner**  
**Current Planning Division**

Attachments

## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

### ***ZONING CODE SERVICES DIVISION***

NO RESPONSE

### ***HOUSING CODE SERVICES DIVISION***

NO RESPONSE

### ***BUILDING & SAFETY SERVICES DIVISION***

NO RESPONSE

### ***DEVELOPMENT REVIEW DIVISION***

NO RESPONSE

### ***PNM***

NO RESPONSE

### ***ENVIRONMENTAL HEALTH DEPARTMENT***

NO RESPONSE

### ***SOLID WASTE MANAGEMENT DEPARTMENT***

NO RESPONSE

### ***FIRE DEPARTMENT/Planning***

NO RESPONSE

### ***COMMENTS FROM OTHER AGENCIES, WHEN APPLICABLE:***

#### ***TRANSIT DEPARTMENT***

#### ***POLICE DEPARTMENT***

#### ***PARKS AND GENERAL SERVICES***

#### ***OPEN SPACE DIVISION***

#### ***BERNALILLO COUNTY***

#### ***ALBUQUERQUE FLOOD CONTROL AUTHORITY***

#### ***ALBUQUERQUE PUBLIC SCHOOLS***

#### ***MIDDLE RIO GRANDE COUNCIL OF GOVERNMENTS***